

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MATTHEW CHAUNCEY COOPER
19317 Carrick Avenue
Weed, CA 96094

Registered Nurse License No. 524342

Respondent

Case No. 2012-325

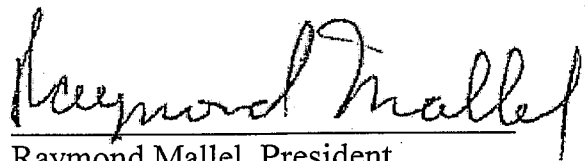
OAH No. 2012030836

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 29, 2013.**

IT IS SO ORDERED **March 29, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

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13 **19317 Carrick Avenue**
Weed, CA 96094
14 **Registered Nurse License No. 524342**

OAH No. 2012030836

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Geoffrey S.
23 Allen, Deputy Attorney General.

24 2. Matthew Chauncey Cooper (Respondent) is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about July 26, 1996, the Board of Registered Nursing issued Registered Nurse
27 License No. 524342 (License) to Respondent. The License was in full force and effect at all
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1 times relevant to the charges brought in Accusation No. 2012-325 and will expire on March 31,
2 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-325 (Accusation) was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on November 23, 2011. Respondent timely filed his Notice of Defense contesting the
8 Accusation. A copy of the Accusation is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in the
11 Accusation. Respondent also has carefully read, and understands the effects of this Stipulated
12 Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in the
24 Accusation, agrees that cause exists for discipline and hereby surrenders his License for the
25 Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his License without further process.

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1 constitutes a record of the discipline and shall become a part of Respondent's license history with
2 the Board.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in the
11 Accusation shall be deemed to be true, correct and admitted by Respondent when the Board
12 determines whether to grant or deny the petition.

13 5. If and when Respondent's License is reinstated, he shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of \$4,002.40. Respondent shall be permitted to pay these costs in a
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in the Accusation shall be deemed to be
21 true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
22 proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED:

Matthew C Cooper

Dated:

Stipulated Surrender of License (Case No. 2012-325)

Exhibit A

Accusation No. 2012-325

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
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3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
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14 **19317 Carrick Avenue**
15 **Weed, CA 96094**
16 **Registered Nurse License No. 524342**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

PARTIES

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about July 26, 1996, the Board issued Registered Nurse License Number
22 524342 to Matthew Chauncey Cooper ("Respondent"). Respondent's registered nurse license was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 March 31, 2012, unless renewed.

STATUTORY PROVISIONS

25 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
26 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11 6. Code section 2762 states, in pertinent part:

12 In addition to other acts constituting unprofessional conduct within the
13 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

14 (a) Obtain or possess in violation of law, or prescribe, or except as
15 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
16 himself or herself, or furnish or administer to another, any controlled substance as
defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

17 (b) Use any controlled substance as defined in Division 10 (commencing
18 with Section 11000) of the Health and Safety Code, or any dangerous drug or
19 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
20 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license . . .

21 7. Health and Safety Code section 11170 states that no person shall prescribe,
22 administer, or furnish a controlled substance for himself.

23 COST RECOVERY

24 8. Code section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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10. "Levorphanol" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(12).

FIRST CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substances)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that in and between December 2007 and March 2011, Respondent self-administered the controlled substances marijuana and levorphanol without lawful authority therefor, as set forth in paragraph 13 below.

(Self-Administration of Controlled Substances)

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that in and between December 2007 and March 2011, Respondent self-administered the controlled substances marijuana and levorphanol without lawful authority therefor, as set forth in paragraph 13 below.

**(Use of Controlled Substances and Alcoholic Beverages to an Extent
or in a Manner Dangerous or Injurious to Oneself and/or Others)**

a. On or about December 1, 2004, a hospital supervisor at Mercy Medical Center located in Mt. Shasta, California (where Respondent was employed as a registered nurse), suspected that Respondent had been drinking alcohol prior to reporting for duty as he had an odor

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1 of alcohol on his breath. Respondent was tested for alcohol and was shown to have a blood
2 alcohol level of 23.5 mg/dl.

3 b. In or about October 2006, Respondent was suspected of being impaired while at work
4 in that his speech was slurred and he was perspiring profusely. Respondent admitted to hospital
5 staff that he was addicted to prescription narcotics. Respondent entered a chemical dependency
6 center. Upon his discharge from the center, Respondent was placed on an employment contract,
7 requiring him to undergo random drug testing.

8 c. On or about December 28, 2007, and December 31, 2007, Respondent underwent
9 random drug tests and tested positive for marijuana.

10 d. On or about March 16, 2011, during an interview with an investigator of the Division
11 of Investigation, Department of Consumer Affairs, Respondent admitted that he suffers from
12 addiction and has abused alcohol, pain pills, and marijuana. Respondent stated that he has used
13 the controlled substance levorphanol, an opiate-based liquid pain medication that he obtains on
14 the "streets", and would use 4 to 6 ml a day of the drug. Respondent also stated that he currently
15 uses alcohol, pain pills and marijuana, takes three pills a day of prescription Vicodin, and smokes
16 marijuana once or twice a month. When asked by the investigator if he would submit to drug
17 testing, Respondent refused, stating that his sample might test positive for marijuana.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 524342, issued to
22 Matthew Chauncey Cooper;

23 2. Ordering Matthew Chauncey Cooper to pay the Board of Registered Nursing the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

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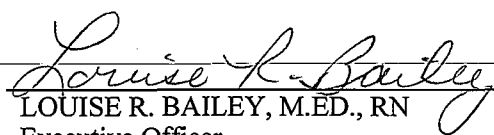
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3. Taking such other and further action as deemed necessary and proper.

DATED: November 23, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2011101542